UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,832	01/30/2001	Peng Zhang	1-1-4-3	2195

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EXAMINER
AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/772,832	ZHANG ET AL.
	Examiner	Art Unit	
	Rasha S AL-Aubaidi	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 August 2004_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-29_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-29_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1.   The text of those sections of Title 35, U.S. Code not included in this action

can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2.   Claims 1-8, 14-24 and 26-29 are rejected under 35 U.S.C. 102(e) as being

anticipated by Bajzath et al (US PAT # 6,144,644).

Regarding claim 1, Bajzath teaches a method for providing call waiting

service (see abstract) for a computer (130, Fig. 2) connected to an Internet

Service Provider (ISP 115, Fig. 2) without dropping the connection with the ISP

(see col.2, lines 1-3 and abstract), the method comprising: initiating an internet

call waiting connection between the computer and an ISP (see col.3, lines 26-

34), the internet call waiting connection traversing a switch (this basically reads

on the SSP switch 140, see col.3, lines 50-58); sending the directory number

(this reads on the user entering his/her 10-digits telephone number, see col. 4,

lines 39-67) and a dynamic IP address of the computer (col.5, lines 8-13) to an

Internet Call Waiting/Holding (ICW/H) server (215 in Fig. 2); storing the directory

number and the dynamic IP address of the computer at the ICW/H server (see

col.5, lines 8-13); and sending a message from the ICW/H (215) server to the

switch (SSP 140) indicating that the call waiting service is active (see step 340f in

FIG. 3C and col.4, lines 58-64).

Claim 14 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 26-27, Bajzath teaches an Internet Call Waiting/Holding (ICW/H) server (215) comprising: a packet port for receiving a directory number and a dynamic IP address of a computer (this is inherent component), the directory number and the dynamic IP address associated with a computer for an internet call waiting connection; memory for storing the directory number and the dynamic IP address of the computer (this reads on the storage media diskette or CD-ROM, see col.4, lines 24-38); a processor (this is inherent); and a circuit port for sending a message to a switch indicating that call waiting service is active (this is inherent).

Regarding claims 2, 17 and 24, Bajzath teaches receiving an incoming call request intended for the computer at the switch while the internet call waiting connection is active; routing the incoming call request from the switch to the ICW/H server; and alerting the computer of the incoming call request without dropping the internet call waiting connection (this may read on receiving the incoming call and initiating the call waiting service. For alerting the computer this reads on the send signals see col.3, lines 49-64 and col.4, lines 22-67).

Regarding claim 3, Bajzath teaches alerting the computer (130) of the incoming call request that is performed by the ICW/H server via the Internet call waiting connection (see also explanation on col.5, lines 25-45).

Regarding claim 4, Bajzath teaches wherein step of alerting the computer of the incoming call comprises presenting the computer with a choice as to whether to accept the incoming call request (see col.6, lines 33-53).

Regarding claim 5, Bajzath teaches maintaining the Internet call waiting connection if the computer accepts the incoming call request (see col.6, lines 33-35).

Regarding claim 6, Bajzath teaches switching back to the Internet call waiting connection after the incoming call releases (this basically reads on the option of automatically providing the call waiting service during telephone calls, see col.6, lines 55-67).

Regarding claim 7, Bajzath teaches the step of dropping the Internet call waiting connection (this basically reads on termination the call connection, see col.8, lines 52-65).

Regarding claim 8, Bajzath teaches the method further comprising the step of rejecting the incoming call request (this basically reads on the user selecting "NO" on the screen see col.6, lines 33-53).

Regarding claim 15, Bajzath teaches the switch is effective in performing Internet call waiting registration (see col.5, lines 3-13).

Regarding claim 16, Bajzath teaches the switch is effective in completing the Internet call waiting registration based upon receipt of a confirmation from the ICW/H server (this basically reads on the trigger in the SSP to notify the user of the incoming call and establishing the call waiting feature, see col.4, lines 52-67 and col.5, lines 13.

Regarding claim 18, Bajzath teaches the switch is effective in routing the incoming call request to the ICW/H server (215), see col.6, lines 9-50.

Claims 19-20 are rejected for the same reasons as discussed above with respect to claim 18.

Regarding claim 21, Bajzath teaches the switch is effective in releasing the connection between the computer and the incoming call (this reads on terminating the call after the call ends) and reactivating the internet call waiting

connection between the computer and the ISP (this may read for example on the automatic reactivating for the call waiting service, see col.6, lines 54-67).

Regarding claim 22, Bajzath teaches the switch is effective in deactivating the Internet call waiting connection (this is inherent).

Regarding claim 23, Bajzath teaches the ICW/H (215) server is effective in receiving a message including the directory number and dynamic IP address of the computer to the ISP (115), see col.4, lines 18-38 and lines 58-64.

Claims 28-29 are rejected for the same reasons as discussed above with respect to claims 1 and 26, respectively.

Claim Rejections - 35 USC § 103

3.   Claims 9-12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al.

Bajzath does not specifically teach playing pr-recorded messages in the event of rejecting the incoming call.

However, regarding claims 9-11, Bajzath teaches if the user chooses not answering the call, SCP (145) sends a message to the user SSP requesting that the call be blocked from connecting to the end user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a message played (pre-recorded) to the

calling party indicating the rejection of the call (e.g., the calling party will not

accept unknown callers or calling party will not accept calls at the moment).

Regarding claim 12, for the step of converting the message text to speech,

this is obvious and well known in the art.

Regarding claim 25, the ICW/H (215) server is effective in deactivating the

Internet call waiting connection (obviously the server can activate and deactivate

the Internet call waiting).

4.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bajzath et al in view of Epler et al (US PAT # 6,026,156).

Bajzath features are discussed in the rejection of claim 1.

Bajzath does not specifically teach the step of initiating an Internet call

waiting connection between the computer and an ISP comprises dialing an

access code to enable the Internet call waiting service.

Regarding claim 13, Epler teaches Enhanced Call Waiting System, which

can be activated by sending a signal to the public switch (typically in the form of

a flash hook to acquire a second dial tone, dial a call waiting code, and then dial

home telephone number), see col.6, lines 34-55.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of activating the Call Waiting service by dialing an access code as taught by Epler into the Bajzath system in order to provide the user this enhanced service at the time preferred by the user and that will distinguish Epler reference from Bajzath since the last one provide the option of activating this service automatically in one of the embodiments (see col.6, lines 54-67).

Response to Arguments

5.   Applicant's arguments filed 08/23/2004 have been fully considered but they are not persuasive.

Regarding applicant's argument that Bajzath "does not send the directory number of the user to call waiting Internet server 215", as previously mentioned by the examiner, Bajzath actually dials his/her ten digits telephone number, then the telephone number information will be analyzed as well as the telephone number will be registered in the call waiting server, and finally the user's IP address (see col. 4, lines 39-67 through col. 5, lines 1-13).

Regarding applicant's argument that "Bajzath does not store the directory number of the user at the Internet call waiting server". As examiner explained earlier that Bajzath teaches that the CPR saves and modify information as shown in step 340h, col. 5, lines 1-5). Also, Bajzath teaches that the call waiting may be

configurable and customized for each user (see col. 6, lines 54-60).   Having

customized and configurable features implemented on the Call waiting service

. : will allow the user to add some features such as "storing the directory

number of the user at the Internet call waiting server" as applicant claiming in the

current invention.

    Regarding applicant's argument for the claimed feature of " sending a

message indicating that the call waiting is active", examiner states that in step

340f of Fig. 3, notification message will be sent to the switch indicating the

activation of a call waiting, see col. 4, lines 58-65). Also, sending the message

definitely reads on the scenario of when the call-waiting server is activated then

the flag is set (see col. 6, lines 18-30).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Rasha S AL-Aubaidi whose telephone

number is (703) 605-5145. The examiner can normally be reached on Monday-

Friday from 8:30 am to 5:30 pm.

    If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The

fax phone number for the organization where this application or proceeding is
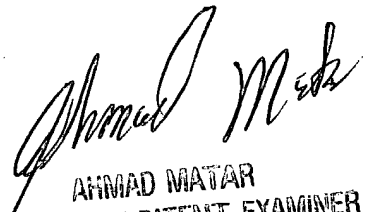
assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

(703) 305-4700.

Examiner

Rasha S Al-Aubaidi

12/22/2004

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